

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1273 of 2016 and
CMP.Nos.7075 and 10206 of 2016

A.Venkatachalam

...Petitioner

versus

R.S.Kiruba

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 18.01.2016 passed in I.A.No.232 of 2015 in O.S.No.18 of 2008 on the file of Sub Court, Poonamallee.

For Petitioner : Mr. K.Premkumar

For respondent : Mr. S.Ganesh

ORDER

The respondent filed a suit in O.S.No.18 of 2008 for specific performance. In the said suit, the petitioner filed an application under Order VII Rule 11 of Code of Civil Procedure. The learned trial Judge dismissed the application. Feeling aggrieved, the petitioner has come up with this Civil Revision Petition.

2. The learned counsel for the respondent submitted that the matter is now posted before the trial court for defendant's evidence and as such the plaint cannot be rejected at this point of time.

K.K.SASIDHARAN, J.

ajr

3. The suit in question was filed in 2008. The petitioner filed an application only in 2015 invoking Order VII Rule 1 of Code of Civil Procedure. Now that the suit itself is posted for defendant's evidence, there is no question of interfering with the order passed by the learned trial Judge. The question raised by the petitioner would be considered by the learned trial Judge while disposing of the matter. I am therefore of the view that no interference is called for in the order under challenge.

4. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2016

Index:Yes/No

ajr

To

Sub Court, Poonamallee.

C.R.P.(P.D.) No.1273 of 2016

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